

Re: FINAL ORDER OF APPROVAL

From: **Jim Lively** | jim@thelivelyfarm.com

Friday, Feb 18, 1:32 PM

To: **Tim Cypher** | tim@allpermits.com

Cc: **groush@centurytel.net**, **gregoryrjulian@gmail.com**, **KassonTwpPCSec@gmail.com**

Hi Tim and all -

I'm glad to finally get this letter, but I'm disappointed to still not have the Findings of Fact document. I'm responding now anyway, as I know there is a Planning Commission meeting Monday night, and in my initial review of your Final SUP Approval document I have identified several errors in your interpretation of the Planning Commission approval. In a couple cases, I believe you missed some relatively minor input from the Planning Commissioners. This is understandable given the five month delay in completing the letter, but it is not acceptable, as it could cost my new business several thousand dollars.

However, in several other cases, I am very concerned that you - perhaps in coordination with the township attorney - inserted conditions that were not addressed at all by the Planning Commission, and which appear to be connected to the part of our application that we rescinded. As your letter begins and I'm sure you know the "Kasson Township Zoning Ordinance delegates to the ...Planning Commission the authority to review and approve, approve with conditions, or deny the request for a Special Use Permit." I am not appealing these conditions, but in fact challenging that some of them were ever considered or approved by the Planning Commission. I believe that in several cases township staff inappropriately inserted conditions that were not at all considered by the Planning Commission - which is an over-reach of authority.

As you can imagine, I was paying very close attention to what the Planning Commission was requiring at the meeting in September when they reviewed all the findings of fact and worked on the conditions. My notes and recollections do not match this letter in several areas.

I'm copying PC Chair Roush, Secretary Schaeffer and Supervisor Julien, as I want them to be aware that I am challenging the accuracy of your work, and I look forward to an opportunity to work with you to correct it. I intend to attend Monday's Planning Commission meeting and will address this there.

- Jim Lively
